

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Social Welfare Department – Allotment of Asst. Social Welfare Officers to Tribal Welfare Department – under Annexure-II of G.O. Ms. No. 41 - Case pending before the Supreme Court – Orders – Issued.

SOCIAL WELFARE (SW. Ser.I.2) DEPARTMENT

G.O. Rt. No. 502

Dated: 24 -06-2011

Read the following:-

1. G.O. Ms. No. 41, S.W Department, dated: 5.5.2000..
2. Directions of the Hon'ble APAT and High Court of A.P.
3. Minutes of the meeting of the Trifurcation Committee held on 30.04.2011 at 3.00 p.m. in the chambers of Commissioner of Tribal Welfare.
4. From the Commissioner of Social Welfare, A.P. Hyderabad, Lr. Rc. No. F1/5902/2000, dated: 04.05.2011.

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ORDER

In the reference 4th read above, the Commissioner of Social Welfare., A.P. Hyderabad has reported that (65) posts of ASWOs was transferred vide G.O.Ms.No. 41, dt. 05-05-2000, consequent on creation of the posts of ATWOs to Tribal Welfare Department. Out of 65 posts, (28) ASWOs., were borne employees of Tribal Welfare Department as per Annexure-I and (15) Junior Most ASWOs of Social Welfare Department as per Annexure-II of the said G.O. During the year 2000, certain Gr.I HWOs of Tribal Welfare Department filed O.A. Nos. 1655, 1726, 2600, 2601, 2615 and 2616 of 2000 in Hon'ble APAT and the Hon'ble APAT passed orders dated: 18.3.2002 and 1.8.2002.

2. Aggrieved by the above orders, some of the junior most ASWOs transferred as per G.O. Ms. No. 41, S.W.D., Dt. 5.5.2000 have approached the Hon'ble H.C. vide W.P. Nos. 3619, 3642 and 6343 of 2003 and the Hon'ble H.C. of A.P. Hyd., granted interim directions on 28.2.2003, initially, and subsequently, the Hon'ble High Court in its orders dt: 30.10.2008 delivered the following judgment:

“For the above mentioned reasons, are of the opinion that the Tribunal has considered the matter in right perspective. As there are vacancies in the category of ASWOs as on 5.5.2000 in some zones, the Tribunal directed the Government to review the allotment of persons covered by Annexure-II in G.O. Ms. No. 41, dt. 05.05.2000 and allot only those ASWOs to Tribal Welfare Department, who could not be accommodated in the vacancies available in the Social Welfare Department as on 05.05.2000. In view of the same, we do not find any infirmity or illegality in the impugned order warranting interference of this Court in exercise of supervisory jurisdiction under Article 226 of the Constitution of India”.

3. The Director, Backward Classes Welfare, who is the Member Convener of the Trifurcation Committee, convened a meeting on 12.5.2009 at 12.00 noon and discussed the issue in detail. The C.S.W., who is the appointing authority to the post of ASWOs prior to trifurcation, while communicating the minutes to the Government, requested to give appropriate orders and also to file counter in the C.A. No. 109/09 filed by Sri T. Upendrachary ATWO, Paloncha before the Hon'ble High Court vide Lr. No. F1/5902/2000 dt. 22.5.2009 and also communicated the same to the Director of Tribal

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Welfare, Hyderabad for information. The Government in turn have examined the matter and issued instructions to the Commissioner of Social Welfare to file SLP and the Hon'ble Supreme Court has admitted the case and stayed on the contempt proceedings in C.C. No. 109/09 of the Hon'ble High Court.

4. In the meanwhile, in obedience to the orders of the Hon'ble APAT., dt. 1.8.2002, detailed proposals were submitted by the Commissioner, Tribal Welfare to the Government vide Lr. Rc. No. A1/9551/2000, dt: 11.12.2002 for framing service rules to the post of Asst. Tribal Welfare Officers along with Subordinate Services of Tribal Welfare Department and the Government have issued orders in G.O. Ms. No. 69, S.W. (TW. Ser.I.2) Department dated: 27.09.2010 amending the Tribal Welfare Gazetted Service Rules incorporating the post of ATWO.

5 The Trifurcation Committee consisting of Commissioner of Social Welfare (Chairman), Director, Backward Classes Welfare (Convener) and Commissioner of Tribal Welfare (Member) convened meeting on 30.4.2011 at 3.00 p.m. in the Chambers of Commissioner of Tribal Welfare and the Committee has examined the entire issue once again in detail and also examined the minutes of the meeting held on 12.5.2009.

6 Based on the detailed examination of the previous record, the Committee is of the opinion that as on 5.5.2000, there are no vacancies of ASWOs in the establishment of Social Welfare Department except the vacancies meant for direct recruitment. The Commissioner of Social Welfare in the counter filed in the Hon'ble High Court as well as in the para-wise remarks submitted to Advocate on Record while filing SLP in Hon'ble Supreme Court submitted that there are no vacancies available as on 5.5.2000 in the Social Welfare Department. The Commissioner of Social Welfare informed that the 22 vacancies available as on that date were transferred to Tribal Welfare (19) direct recruit vacancies worked out prorata and 3 vacancies arisen due to 3 junior most ASWOs who were transferred to Tribal Welfare, but not joined due to Court orders).

7 The Commissioner of Social Welfare, A.P. Hyderabad has finally informed that, in view of the above, it is clear that as on the crucial date of transfer of ASWOs to Tribal Welfare Department on 5.5.2000 there are no vacancies in the establishment of Social Welfare Department and whatever direct recruitment vacancies were there, they were also transferred to Tribal Welfare Department, and the Committee decided to request the Government to issue necessary orders to comply with the directions issued by the Hon'ble APAT and also by Hon'ble High Court.

8. Recommendations of the Committee:

The Trifurcation Committee was convened on 30.04.2011 at 3.00 p.m. in the chambers of Commissioner of Tribal Welfare and the Committee has examined the entire issue once again in detail. The Committee has also examined the minutes of the meeting held on 12.5.2009.

The Commissioner of (SW) has explained that there were no vacancies in S.W. Department as on 05.05.2000 except (22) vacancies which were meant for direct recruitment and transferred to Tribal Welfare Department. Hence, she has explained that it would not be possible to accommodate the ASWOs who were listed out in Annexure II of G.O. Ms. No. 41 dt. 05.05.2000 against the direct recruitment vacancies and she further informed that Direct Recruitment vacancies meant for Tribal Welfare Department along with borne employees were already transferred to TW Department. It is also

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informed that 3 junior most persons to be transferred from Zone II and another 3 junior most ASWOs could not be transferred due to court cases and they retired in SW Department only, but those (6) vacancies also have been filed by the Tribal Welfare Department. Thus, the posts of (65) vacancies to be transferred to Tribal Welfare Department have been transferred to Tribal Welfare Department.

Based on the detailed examination of previous record, the Committee is of the opinion that as on 5.5.2000, there are no vacancies of ASWOs in the establishment of Social Welfare Department, except the vacancies meant for direct recruitment. The Commissioner, Social Welfare in the counter filed in the Hon'ble High Court as well as in the parawise remarks submitted to Advocate on Record while filling SLP in Hon'ble Supreme Court submitted that there are no vacancies available as on 5.5.2000 in the Social Welfare Department. She informed that the 22 vacancies available as on that date were transferred to Tribal Welfare Department (19 direct recruit vacancies worked out prorata and 3 vacancies arised due to 3 junior most ASWOs who were transferred to Tribal Welfare, but not joined due to court orders.

9. In view of the above, it is clear that as on the crucial date of transfer of ASWOs to Tribal Welfare Department on 5.5.2000 there are no vacancies in the establishment of Social Welfare Department and whatever direct recruitment vacancies were there, they were also transferred to Tribal Welfare Department. Finally, the Committee decided to request the Government to issue necessary orders to comply with the directions issued by the Hon'ble APAT and also by Hon'ble High Court.

10 Government after careful examination of the matte in detail, accept the recommendations of the Trifurcation Committee i.e., as on the date: 05-05-2000 there are no vacancies in the establishment of S.W. Department, subject to outcome of the SLP filed in Supreme Court of India.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Social Welfare, A.P., Hyderabad.
The Commissioner of Tribal Welfare, A.P., Hyderabad.
The Director of Backward Classes Welfare, A.P., Hyderabad.

Copy to:

P.S to Minister (SW)
P.S to Principal Secretary to Government, S.W. Department.
P.S to Principal Secretary to Government, T.W. Department.
Sc/Sf.

//FORWARDED BY ORDER//

SECTION OFFICER